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Docket No.: 103864.110

PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

LASHER et al.

Serial No. 09/512,734

Filed: February 24, 2000

For: ENHANCED DRUG DISPENSING SYSTEM

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR 1.47(a)

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JUL 02 2001

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

OFFICE OF PETITIONS

Sir:

This is in response to the correspondence dated May 9, 2001 from the Special Programs Office DAC for Patents (the "May 9 correspondence"), having a statutory period which runs until July 9, 2001. For the reasons stated below, Applicants respectfully withdraw their Petition under 37 C.F.R. §1.47(a) and request entry of the attached Combined Declaration and Power of Attorney.

The May 9 correspondence indicates that Applicants' Petition filed on October 27, 2000 would not be entered because of certain deficiencies. Applicants' Petition under 37 C.F.R. §1.47(a) detailed the numerous efforts made to contact inventor Michael L. Mahar for execution of the declaration of inventorship. The May 9 correspondence, however, states that Applicants have failed to establish that the non-signing inventor was presented with the application papers.

It was further indicated that an affidavit or declaration from Mr. James M. Hunter could be used to remedy this deficiency.

In the meantime, Applicants have continued their efforts to contact inventor Mahar. On November 7, 2000, Applicants, via Mr. Donner, successfully contacted inventor Mahar and obtained execution of the declaration of inventorship, copy enclosed.

On June 15, 2001, Applicants' representative contacted the Office of Petitions and left a message detailing the situation. Applicants' representative also requested guidance on preparing an appropriate response to the May 9 correspondence. On June 18, 2001, Petitions Attorney Derek L. Woods, Esq. left a message with Applicants' representative indicating that the newly executed Combined Declaration and Power of Attorney should be submitted in response to the May 9 correspondence. According to Mr. Woods, such a submission would be fully responsive to the May 9 correspondence, and would be treated as Joinder. Furthermore, the Petition under 37 C.F.R. §1.47(a) would be dismissed.

Pursuant to this advice, Applicants concurrently submit herewith the executed Combined Declaration and Power of Attorney. Applicants further request withdrawal of the petition under 37 C.F.R. §1.47(a).

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Petition, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

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